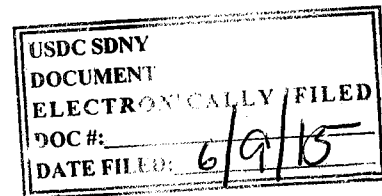


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
BRANDI SIMMONS



(In the space above enter the full name(s) of the plaintiff(s).)

-against-

NYCDOC COMM. JOSEPH
PONTE; TONY DURANTE: WARDEN
OF A.M.K.C.; BILL DeBLASIO: MAYOR;
CITY OF NEW YORK, et al.

**AMENDED
COMPLAINT**

under the Civil Rights Act,
42 U.S.C. § 1983

Jury Trial: ☒ Yes ☐ No
(check one)

15 Civ. 2894 (LAP)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's

Name BRANDI SIMMONS
ID# 895-15-00305
Current Institution A.M.K.C.
Address 18-18 HAZEN STREET
EAST ELMHURST, NEW YORK 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name JOSEPH PONTE Shield # _____
Where Currently Employed NYC DOC COMMISSIONER
Address 75-20 ASTORIA BLVD
EAST ELMHURST, N.Y. 11370

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Defendant No. 2 Name TONY DURANTE Shield # _____
 Where Currently Employed A.M.K.C. C-95/C-71
 Address 18-18 HAZEN STREET
EAST ELMHURST, N.Y. 11370

Defendant No. 3 Name MAYOR BILL DEBLASIO Shield # _____
 Where Currently Employed NYC MAYOR'S OFFICE,
 Address CITY HALL
NEW YORK, N.Y. 10007

Who did
what?

Defendant No. 4 Name NYC Corporation Counsel Shield # _____
 Where Currently Employed 100 CHURCH STREET
 Address NEW YORK, N.Y. 10007

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

A.M.K.C.

B. Where in the institution did the events giving rise to your claim(s) occur?

In dormitory 4 upper AREA of A.M.K.C.

C. What date and approximate time did the events giving rise to your claim(s) occur?

From 3/12/15, and 3/15/15 to and until [Beyond]

D. Facts: I, myself, and other inmates were housed in a
dormitory and forced to inhale the health hazardous fumes
of peeling paint and ABESTOS on a 24 hour basis.
Petitioner filed a grievance on 3/19/15 to wit the defendant's

What
happened
to you?

JOSEPH PONTE & TONY DURANTE'S subordinates never responded. On the date of 4/13/15 Captain JOGIE #N/A came through the dormitory with some HEALTH ENVIRONMENT INSPECTORS at approximately 12:15pm to 12:30pm to inspect the hazard(s), but inmates were never moved. On 4/29/15, Independent contractors came to test the ABESTOS that was located in the piping systems insulation, and on the floor within the tile, and tested. Positive for ABESTOS, but inmates & Plaintiff were never removed from this hazardous place. The warden was again notified of the on-going dilemma, but no rectifications as far as the ABESTOS was enacted. Again, on 5/5/15, a CAPT. GILBERT #321 who was an inspector of ENVIRONMENT inspected the dormitory at approximately 1:35pm but never got the plaintiff away to reasonable safety of the hazardous condition claim. And the fact that Riker's Island is built on a land-fill of garbage which has corroded and now emits a bio-degradable cancerous odor that puts this plaintiff at risk of catching cancer over the years in which it will take the Court System to take this Plaintiff to TRIAL. Defendants had the Plaintiff living in a dormitory with peeling paint on the ceilings, non-working urinals, toilets, and constant running sinks, liable to overflow, and windows that were non-functional.

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

It is scientifically proven that the constant inhaling of these hazardous fumes can, does, and will cause mesothelioma, and cancer.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

6. Is the case still pending? Yes ☒ No ☐
If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29th day of MAY, 2015

Signature of Plaintiff

Brandi Simmons

Inmate Number

895-15-00305

Institution Address

18-18 HAZEN STREET
EAST ELMHURST, N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 29th day of MAY, 2015, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Brandi Simmons

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BRANDI SIMMONS

Plaintiff,

Affirmation of Service

-against-

JOSEPH PONTI, COMMISSIONER
TONY DURANTE, WARDEN
BILL DEBLASIO, MAYOR
NYC CORPORATION Defendant.
COUNSEL, ET AL

15 CV 2894 (LAP)

I, BRANDI SIMMONS, declare under penalty of perjury that I have
served a copy of the attached CIVIL COMPLAINT

upon CLERK OF COURT — PRO SE OFFICE

whose address is: 500 PEARL STREET / UNITED STATES COURT HOUSE
SOUTHERN DISTRICT

NEW YORK, N.Y. 10007

Dated: May 29th, 2015
, New York

Brandi Simmons

Signature

18-18 HAZEN STREET

Address

E. ELMHURST, N.Y. 11370

City, State, Zip Code

95-15-00305

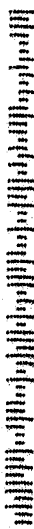
C-95
18-18 HAZEN STREET
EAST ELMHURST, N.Y. 11370



TO: CLERK OF COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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500 PEARL STREET
NEW YORK, N.Y. 10001

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